APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,172	09/12/2003	Ivan N. Wakefield	U030031.45	2171

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EXAMINER
LE, TUAN H

ART UNIT	PAPER NUMBER
2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/605,172	WAKEFIELD, IVAN N.
	Examiner	Art Unit
	Tuan H. Le	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 September 2003*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-54* is/are pending in the application.

    4a) Of the above claim(s) *26-31 and 43-47* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25,32-42 and 48-54* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *12 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Applicant's election with traverse of Species III (Figures 4A-4F) in the reply

filed on February 2, 2007 is acknowledged. The traversal is on the ground(s)

that Species I, II, and III includes the elements of " Enable feature", " Capture

image", and " Identify or Select Class of Data Image". This is found persuasive,

therefore the election/ restriction requirement as to Species I, II, and II is

withdrawn. As a result, claims 1-25, 32-42, and 48-54 are considered for the

claimed invention; claims 26-31 and 43-47 are withdrawn from consideration.

The requirement is made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 13-14, 17-18, 20-22, 24-25, 32-35, 39-50, and 53-54 are

rejected under 35 U.S.C. 102(e) as being anticipated by Hunter (U.S. Pub.

2005/0044179).

Regarding **claim 1**, Hunter et al discloses a device for communication

(camera-enable cell phone), comprising: an optical sensor (camera 4) to capture

an image; and a processor (6) to identify or select a class of data (bar code

symbol 12) in the image and to perform a predetermined function (decode and

send data) in response to the class of data, (see Hunter, Fig. 1 and Abstract).

As for **claim 2**, Hunter discloses that the optical sensor comprises one of

a charge coupled device, a complimentary metal oxide semiconductor (CMOS)

and a camera (camera 4), (see Hunter, Fig. 1).

As for **claim 3**, Hunter discloses a data structure including computer-

executable instructions executable by one of the optical sensor and the

processor to decode pixels in the image to identify or select the class of data,

(see Hunter, paragraph [0012], wherein the processing circuitry 6 is programmed

to perform functions).

As for **claim 4**, Hunter discloses that the class of data comprises data (bar

code symbol 12) visible to a human eye, (see Hunter, Fig. 1 and paragraph

[0007]).

As for **claim 5**, Hunter discloses a display (10) to display at least one of

the image and the class of data, (see Hunter, Fig. 1 and paragraph [0018]).

As for **claim 6**, Hunter discloses that the class of data comprises data (bar

code symbol) that is unintelligible to a human eye, (see Hunter, Fig. 1 and

paragraph [0007]).

As for **claim 7**, Hunter discloses that the class of data comprises at least

one of a phone number, a list of phone numbers, a bar code (12), access

information to a web site, a sequence of commands, and information associated

with a product or service, (see Hunter, Fig. 1).

As for **claim 13**, Hunter discloses that the optical sensor (camera 4) is

operable to capture the image (bar code symbol) from one of a television, a video

monitor, and a fixed medium, (see Hunter, Fig. 1, wherein product bar code is on

a printed material).

As for **claim 14**, Hunter discloses that the predetermined function

comprises one of transmitting a signal to order a product or service, decoding

data from one or more images to reprogram a communication device,

downloading communication device setup parameters, storing one or more

phone numbers, establishing a call, storing information associated with a web

site or email address, accessing a web site, and sending an email message, (see

Hunter, paragraph [0007], wherein a resolution server and an information server

in a computer network are accessed).

Regarding **claim 17**, Hunter discloses a device for communication

(camera-enable cell phone), comprising: an optical sensor (camera 4) to capture

an image; a processor (6), wherein a data structure operable in association with

one of the optical sensor, the processor (6) and a mobile system includes

computer-executable instructions to identify or select a class of data in the

image; another data structure operable in association with the processor (6) to

perform a predetermined function in response to the class of data; and a

transmitter (8) to transmit signals in response to the class of data, (see Hunter,

Fig. 1, Abstract, and paragraph [0012], wherein the processor 6 is programmed

to capture an image of a machine-readable code and to cause the cellular

telephone transceiver to communicate with a network).

As for **claim 18**, Hunter discloses that the data structure operable in

association with one of the optical sensor, the processor (6) and the mobile

system includes computer-executable instructions executable by one of the

optical sensor, the processor and the mobile system to decode pixels in the

image to identify or select the class of data, (see Hunter, paragraph [0012],

wherein the processor is programmed to decode the machine-readable code).

As for **claim 20**, Hunter discloses a display (10) to display at least one of

the image and the class of data, (see Hunter, Fig. 1).

As for **claim 21**, Hunter discloses at least one function button to select the

class of data from the image, (see Hunter, paragraph [0016], wherein button is

used as user input devices).

As for **claim 22**, Hunter discloses a pointing device to select the class

data from the image, (see Hunter, paragraph [0016], wherein a pointing device is

used with a touchscreen display).

As for **claim 24**, Hunter discloses that the class of data comprises at least

one of a phone number, a list of phone numbers, access information to a web

site, a sequence of commands, and information (bar code symbol 12) associated

with a product or service, (see Hunter, Fig. 1).

As for **claim 25**, Hunter discloses that the predetermined function comprises one of transmitting a signal to order a product or service, decoding data from one or more images to reprogram a communication device, downloading communication device setup parameters, storing one or more phone numbers, establishing a call, storing information associated with a web site or email address, accessing a web site, and sending an email message, (see Hunter, paragraph [0007], wherein a resolution server and an information server in a computer network are accessed).

Regarding **claim 32**, refer to claim 1.

As for **claim 33**, refer to claim 1.

As for **claim 34**, refer to claims 4 and 5.

As for **claim 35**, refer to claim 7.

As for **claim 39**, refer to claim 14.

As for **claim 40**, refer to claim 15.

As for **claim 41**, refer to claim 15.

As for **claim 48**, refer to claim 1.

As for **claim 49**, refer to claim 3.

As for **claim 50**, refer to claim 7.

As for **claim 53**, refer to claim 14.

As for **claim 54**, refer to claim 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Hunter U.S. Pub. 2005/0044179).

As for **claim 19**, Hunter discloses an optical sensor and a programmable

processor. Hunter does not disclose a storage device, in a camera-enable cell

phone, to store at least one of the image and the class of data.

However, it is obvious to one of ordinary skill in the art at the time the

invention was made to implement a storage device into the camera-enable cell

phone as described by Hunter in order to store captured images because such

implementation allows users to review, at a later time, a large collection of

images.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Hunter U.S. Pub. 2005/0044179) and further in view of Hamynen (U.S.

Pub. 2005/0050165).

As for **claim 23**, Hunter discloses an optical sensor and a processor for

identify or select a class of data. However, Hunter does not disclose a user

interface to at least one of select the class data from the image, edit the class of

data, store the class of data and transmit the class of data.

On the other hand, Hamynen discloses a user interface (240) to edit the

class of data, (see Hamynen, Fig. 2 and paragraphs [0036,0039]).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to implement the user interface as described by

Hamynen into the camera-enable cell phone as described by Hunter in order to

edit the URL displayed by a mobile device because such implementation results

in correct URL information for accessing a website.

Claims 8-9, 36, and 51 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hunter U.S. Pub. 2005/0044179) and further in view of

Stavely et al (U.S. Pub. 2004/0257457).

As for **claim 8**, Hunter discloses an optical sensor and a processor for

identify or select a class of data. However, Hunter does not disclose that the

sequence of commands comprises commands to be performed automatically by

a communication device.

On the other hand, Stavely et al discloses that class of data comprising

device settings, (see Stavely et al, paragraph [0031], wherein data for device

settings includes commands performed by a communication device).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to implement the device settings as described

by Stavely et al into the communication device as described by Hunter in order to configure the device because such implementation eliminates typing errors while entering a list of commands.

As for **claim 9**, Hunter discloses that the communication device comprises a cellular telephone, (see Hunter, Fig. 1 and Abstract).

As for **claim 36**, refer to claim 8.

As for **claim 51**, refer to claim 8

Claims 10-12, 37, 38, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter U.S. Pub. 2005/0044179) and further in view of Stavely et al (U.S. Pub. 2004/0257457) and Mc Nutt (U.S. Pat. 6,925,158).

As for **claim 10**, Hunter and Stavely et al disclose an optical sensor and a processor for identify or select a class of data comprising a sequence of command to be performed by a communication device. However, Hunter and Stavely et al do not disclose that the sequence of commands to be performed by a communication device.

On the other hand McNutt discloses that a password security can be enabled to configure a modem module, (see Mc Nutt, column 7 lines 63-66 and column 9 lines 25-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the password security as

described by McNutt into the communication device as described Hunter et

Stavely et al because such implementation allows device configuration

performed by predetermined authority.

As for **claim 11**, Hunter discloses the communication comprises a cellular

telephone, (see Hunter, Fig. 1).

As for **claim 12**, McNutt further discloses user interface and a voice

recognition function to enter the password, (see McNutt, column 9 lines 25-36,

wherein the caller needs to supply a password).

As for **claim 37**, refer to claim 10.

As for **claim 38**, refer to claim 12.

As for **claim 52**, refer to claim 10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Ono et al (U.S. Pub. 2005,0038872) discloses a portable telephone having

an image function that uses a CCd camera photographs a 2-dimension code

information, obtains a web address and accesses the web page associated with

the captured web address.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Tuan H. Le whose telephone number is (571)

270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tuan Le
March 19, 2007.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER